

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

<b>1. TONYA PUNZEL, an individual,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 16-CV-768-CVE-PJC</b>
	)	
<b>1. YEW C. CHOO, M.D., and</b>	)	
<b>2. CANCER TREATMENT CENTERS OF</b>	)	
<b>AMERICA AT SOUTHWESTERN</b>	)	
<b>REGIONAL MEDICAL CENTER,</b>	)	
	)	
	)	
<b>Defendants.</b>	)	

**COMPLAINT**

**COMES NOW** the Plaintiff, Tonya Punzel, by and through her attorney of record, Mark Edwards of The Edwards Law Firm, and for her claims against Yew C. Choo, M.D., and Cancer Treatment Centers of America at Southwestern Regional Medical Center, alleges and states the following:

**I. JURISDICTION**

1. This is an action for damages resulting from medical malpractice arising from a robotic hysterectomy that occurred on March 9, 2016.
2. Jurisdiction of this Court is founded upon 28 U.S.C. Section 1332 in that Plaintiff and Defendants are citizens of different states with the amount in controversy is excess of \$75,000.00 exclusive of interest and costs.
3. Venue of this Court is invoked pursuant to 28 U.S.C. Section 1391(b)(2) in that the events giving rise to this claim occurred in Northern District of Oklahoma.

## **II. PARTIES**

4. The Plaintiff in this action is:

(a) Tonya Punzel- she resides in the City of San Tan Valley, Pinal County, State of Arizona.

5. The Defendants in this action are:

(a) Cancer Treatment Center of America at Southwestern Regional Medical Center (herein after “CTCA”), a business entity operating in, Tulsa, Tulsa County, State of Oklahoma.

(b) Yew C. Choo, M.D., as at all times complained of herein, a medical provider operating in Tulsa, Tulsa County, State of Oklahoma.

## **III. Facts**

6. On or about March 9, 2016, Yew C. Choo, M.D., performed a robotic hysterectomy on Tonya Punzel at CTCA in Tulsa, Oklahoma.

7. During said procedure Dr. Choo negligently caused damage to Ms. Punzel’s right ureter and surrounding structures.

8. Dr. Choo failed to recognize his error and completed the procedure without correcting his mistake.

9. As a result, Ms. Punzel had a prolonged recovery that involved numerous, unnecessary hospitalizations and surgical procedures.

10. Ms. Punzel continues to suffer from her injuries.

## **IV. Negligence-Medical Malpractice**

11. Plaintiff hereby incorporates paragraphs 1 through 10 above.

12. That Defendants owed duty to Tonya Punzel to properly treat and monitor her while being a patient.

13. That Defendants breached their duties of care and failed to meet the appropriate standard of care, as stated above.

14. As a result of Defendants' failure to meet the appropriate standards of care, Tonya Punzel sustained the following injuries: physical and mental pain and suffering (past and future), permanent injury, unnecessary medical expenses, lost wages, impairment to earning compacity and was otherwise injured, all in excess of \$75,000.00.

15. That Defendant, Cancer Treatment Centers of America at Southwestern Regional Medical Center, is vicariously liable for any and all acts and/or omissions of its employees who rendered treatment to Plaintiff, Tonya Punzel.

16. Wherefore, Plaintiff prays for any and all damages available to her by law, including but not limited to those listed in paragraph 14 above.

**WHEREFORE**, Plaintiff prays for judgment against the Defendants in an amount in excess of \$75,000.00, her costs, attorney fees, and such other and further relief to which she may be entitled.

**Attorney Affidavit**

Pursuant to 12 O.S. §19, counsel for Plaintiff hereby attaches the required affidavit stating that he has obtained a written opinion from a qualified expert that clear identifies the Plaintiff and includes the determination of the expert that a reasonable interpretation of the facts supports a finding that the acts and omissions

of the Defendant, against whom the action is brought, constituted professional negligence and concludes that the claim is meritorious and based on good cause.

Respectfully Submitted,

**THE EDWARDS LAW FIRM**

By: /s/ Mark Edwards

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**ATTORNEY LIEN CLAIMED  
JURY TRIAL DEMENDED**